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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/112,777	07/10/98	SILVERBROOK	K ART24-US

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SILVERBROOK RESEARCH PTY LTD  
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2041 BALMAIN NSW  
AUSTRALIA

LM61/0504

AIR MAIL

EXAMINER

GOOD JOHNSON, M

ART UNIT PAPER NUMBER

2779

5

DATE MAILED: 05/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



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# Office Action Summary

Application No.  
09/112,777

Applicant(s)  
Silverbrook et al.

Examiner  
Motilewa Good-Johnson

Group Art Unit  
2779



☒ Responsive to communication(s) filed on Jul 10, 1998

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-4 is/are pending in the application

Of the above, claim(s) none is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2779

**DETAILED ACTION**

1. This action is responsive to communications: application, filed on 07/10/1998.
2. Claims 1-4 are pending in the case. Claim 1 is an independent claim. No claims have yet been amended.
3. The present title of the application is "Producing Automatic *Painting* Effects in Images" (as originally filed).

Art Unit: 2779

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizutani et al., U.S. Patent Number 5,621,868, "Generating Imitation Custom Artwork by Simulating Brush Strokes and Enhancing Edges", class 345/431, 04/15/1997.

As per independent claim 1, **"a method of automatically processing an image comprising locating within the image feature having a high spatial variance and stroking the image with a series of brush strokes emanating from those areas having high spatial variance."** Mizutani et al. discloses in col. 2, lines 3-9 and in lines 14-24.

With respect to dependent claim 2, **"... brush stroke have decreasing sizes near important features of the image."** Mizutani et al. discloses in col. 2, lines 25-30.

With respect to dependent claim 4, **"... the position of a predetermined portion of brush strokes undergoes random jittering."** Mizutani et al. discloses in col. 2, lines 11-12.

Art Unit: 2779

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over, Mizutani et al., U.S. Patent Number 5,621,868, "Generating Imitation Custom Artwork by Simulating Brush Strokes and Enhancing Edges", class 345/431, 04/15/1997, in view of Sheasby et al., U.S. Patent Number, 5,999,190, "Computer Imaging Using Graphics Components", class 345/431, 12/07/1999, filed 06/11/1997.

With respect to dependent claim 3, "... **brush strokes include opacity and bump maps for added realism.**" Mizutani et al. discloses in figure 8B, element 246, and in figure 11B, element 290. It would have been obvious to one of ordinary skill in the art to include said opacity and texture or bump maps to provide for added realism as disclosed in Mizutani et al. col. 6, lines 14-15.

Art Unit: 2779

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)-308-9051 (**formal** communications intended for entry),

Or:

(703)-305-9724 (**informal** communications labeled **PROPOSED** or **DRAFT**).

Hand-delivered responses should be brought to:


Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson, whose telephone number is (703)-305-3939 and can normally be reached Mondays, Tuesdays, Thursdays and Fridays from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached at (703)-305-9703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-3900.

Motilewa Good-Johnson  
Patent Examiner  
Art Unit 2779

  
MARK R. POWELL  
SUPERVISOR - PATENT EXAMINER  
GROUP 2700